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| 17 | Attorneys for Plaintiff AGSAVER LLC | | |

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

21 AGSAVER LLC,
22 Plaintiff,
23 vs.
24 VALENT U.S.A. CORPORATION,
25 Defendant.

Case No. 3:11-cv-02264-JCS

**STIPULATION AND [PROPOSED]
ORDER SETTING (1) BRIEFING
SCHEDULE ON VALENT U.S.A.
CORPORATION'S MOTION TO
DISMISS; AND (2) INITIAL CASE
MANAGEMENT CONFERENCE**

SO ORDERED AS MODIFIED
Dept: Courtroom A, 15th Fl.
Judge: Honorable Joseph C. Spero

Complaint Filed: May 6, 2011

1 WHEREAS, on June 30, 2011, the Court ordered that Plaintiff AgSaver LLC's
 2 ("AgSaver's") Opposition to Defendant Valent U.S.A. Corporation's ("Valent's") Motion to
 3 Dismiss would be due September 16, 2011, that Valent's Reply would be due September 30,
 4 2011, and that the hearing on Valent's Motion and the Initial Case Management Conference
 5 would be November 4, 2011, at 1:30 p.m.;

6 WHEREAS, on August 22, 2011, the Court ordered that the United States of America
 7 would have until September 16, 2011, to intervene and file a brief defending the constitutionality
 8 of 35 U.S.C. § 292, and that Valent would have until October 7, 2011, to file a single brief
 9 responding to AgSaver's opposition and the brief filed by the United States;

10 WHEREAS, on September 6, 2011, the United States filed its brief defending the
 11 constitutionality of 35 U.S.C. § 292;

12 WHEREAS, on September 8, 2011, the United States Senate passed and sent to President
 13 Obama the America Invents Act, which contains provisions that would amend 35 U.S.C. § 292;
 14 and

15 WHEREAS, to allow time to know whether the America Invents Act will become law
 16 and, assuming so, to assess its potential impact on this case, counsel for the Parties and the United
 17 States have met and conferred, and have agreed upon proposing an alternative date for the hearing
 18 on Valent's Motion and the Initial Case Management Conference, as well as a 20-day extension
 19 to the briefing schedule for Valent's Motion;

20 THEREFORE, pursuant to Civil Local Rules 6-2 and 7-12, the Parties request that the
 21 Court reschedule the briefing schedule for Valent's Motion and the Hearing date for that Motion
 22 and the Initial Case Management Conference as set forth below or on such other dates as may be
 23 acceptable to the Court:

24 1. AgSaver's Opposition to Valent's Motion will be due on October 6, 2011, and
 25 Valent's Reply in Support of its Motion will be due on October 27, 2011;

26 2. The Hearing on Valent's Motion and the Initial Case Management Conference will
 27 be January 13, 2012, at **9:30 a.m.**

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1 IT IS SO STIPULATED.
2

3 Dated: September 14, 2011

FARELLA BRAUN + MARTEL LLP

4 I represent that concurrence in the filing of
5 this document has been obtained from each
6 of the other signatories.

7 By: /s/ James W. Morando
8 James W. Morando

9 Attorneys for Plaintiff
10 AgSaver LLC

11 Dated: September 14, 2011

12 GORDON & REES LLP

13 By: /s/ Fletcher C. Alford
14 Fletcher C. Alford

15 Attorneys for Defendant
16 Valent U.S.A. Corporation

17 DATED: September 14, 2011

18 UNITED STATES OF AMERICA

19 By: /s/ Michael T. Pyle
20 Michael T. Pyle

21 Attorneys for Intervenor
22 United States of America

23 PURSUANT TO THE STIPULATION OF THE PARTIES, AND GOOD CAUSE
24 APPEARING, IT IS SO ORDERED.

25 Dated: 9/15/2011

